

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:
OSWAIDA ORTIZ MARTINEZ
Debtor

CASE NO. 08-01123 MCF

CHAPTER 13

DORAL FINANCIAL CORP
Movant

INDEX A

(X) of acts against property
under 11 USC §362(d) (1)"CAUSE"

vs.

OSWAIDA ORTIZ MARTINEZ
and Alejandro Oliveras as Debtor's Trustee
Respondent(s)

A decorative horizontal border consisting of a repeating pattern of small, dark diamond shapes arranged in a grid-like fashion.

**MOTION FOR RELIEF OF AUTOMATIC STAY
IN ACCORDANCE TO 11 U.S.C. § 362 (d)(1)**

TO THE HONORABLE COURT:

Comes now, **DORAL FINANCIAL CORP**, secured creditor, represented by the undersigned attorney who respectfully prays and states as follows:

Jurisdiction

1. This cause of action is brought before this Honorable Court pursuant to Rules 4001 (a) and 9014 of the Federal Rules of Bankruptcy Procedure and section 362(d)(1) of the Bankruptcy Code (Title 11 United States Code §362(d)).

2. Mr. Alejandro Oliveras Rivera, is included in this cause of action in his official capacity as Chapter 13 Trustee.

The Facts

3. On February 28th, 2008, debtor filed the instant petition for relief under Chapter 13 of the Bankruptcy Code, 11 USC sec. 1301 et seq.

4. Doral Financial Corp is the holder in due course of a First Mortgage Note for \$56,078.00, bearing interest of 5.95% per annum.

5. As of March 2011, debtors show **eight (8)** post-petition arrears on the mortgage monthly payments. As a result of such arrearage the debtor is also indebted to movant for late charges, for each payment not received by the 1st day of each month and attorneys fees in the amount of \$400.00, along with any other cost of collections of this indebtedness pursuant to the terms of said note. (See Annex).

6. The debtors have failed to pay in accordance to the terms of the Mortgage

note. This constitutes sufficient cause for Movant to be granted relief from the stay order in accordance to the requirements set forth in 11 USC Section 362 (d)(1).

Lift of Automatic Stay

7. Section 362 (d)(1) of the Bankruptcy Code(11 USC) states as follows:

“(d) On request of a party in interest and after notice an a hearing, the court shall grant relief of the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay --

(1) **for cause**, including the lack of adequate protection of an interest of such party in interest;”

WHEREFORE, it is respectfully requested from the Honorable Court to enter an Order GRANTING the Relief from Automatic Stay in favor of the appearing creditor.

IT IS HEREBY CERTIFIED, that a true and correct copy of this motion was electronically filed with the clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Mr. Alejandro Oliveras, Chapter 13 Trustee to aorecf@ch13sju.com, Marilyn Valdes Ortega to valdeslaw@prtc.net, and the undersigned certifies that a copy of this motion was sent via regular mail to the debtor's attorney to PO Box 195596, San Juan, PR 00919-5596 , and to the debtor, Oswaida Ortiz Martinez to PO Box 1518, Arroyo, PR 00714.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 14th day of March, 2011.

/s/ Ligia Rivera Bujosa
LIGIA RIVERA BUJOSA
USDC PR # 220311
P.O. Box 7821
Ponce PR 00732-7821
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REQUEST FOR LIFT OF STAY

(MOTION UNDER 11 USC 362)

To Bufete:

LCDA. LIGIA RIVERA BUJOSA

Loan Number: *****9084
Debtor: OSWAIDA ORTIZ MARTINEZ
Debtor: _____
BKR # 08-01123 CHPT. 13 DATE FILED: February 28, 2008
Plan confirmed? YES NO
Payments due 30 Pre-Pet 22 Post-Pet 8 (11/09,3/10,5/10,7/10
* 8/10,9/10,12/10,3/11)

Post-Petition arrears:

<u>8</u>	months at	<u>\$323.35</u>	<u>\$2,586.80</u>
<u>8</u>	late charges at	<u>\$13.38</u>	<u>\$107.04</u>
<u>Attorney Fees (M-362)</u> <u>\$400.00</u>			
<u>Pending L/C</u> <u>\$0.00</u>			
<u>Suspense Bal</u> <u>\$0.00</u>			
<u>Attorney Fees Foreclosure</u> <u>\$0.00</u>			
<u>DUE DATE</u> <u>10/1/2008</u>			
<u>PRINCIPAL BALANCE</u> <u>\$53,031.75</u>		<u>TOTAL</u>	<u>\$3,093.84</u>

* All reinstatement payments must be made up to the current month, including legal fees and late charges.

* Toda reinstalación efectuada debe incluir mes en curso, incluyendo gastos legales y cargos por demora.

*** TODO PAGO DEBE SER EFECTUADO EN EFECTIVO, CHEQUE DE GERENTE O MONEY ORDER***

Verified Declaration

I, the undersigned, declare under penalty of perjury that the amounts claimed by Movant in the foregoing Request for Lift of Stay, represents accurately the information kept in accounting books and records kept by Movant in the ordinary course of business. I further declare under penalty of perjury that I have read the foregoing Motion from the Automatic Stay and that the facts alleged are true and correct to the best of my knowledge.

Name: MICHAEL GARCIA
GROUP LEADER

JESUS LEDESMA AMADOR
SUPERVISOR

S/JESUS LEDESMA AMADOR

This Req. For Lift of Stay was prepared This 8 day of March of 2011

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

OSWAIDA ORTIZ MARTINEZ

CASE NO. 08-01123
CHAPTER: 13

Debtor(s)

Doral Bank

Movant

SWORN STATEMENT UNDER PENALTY OF PERJURY

The undersigned is an authorized officer Doral Bank,
hereinafter referred to as "DB".

The undersigned represents the interests of DB as a secured
creditor and holder in due course of the mortgage note and mortgage deed
mentioned in the motion for relief from stay under 11 U.S.C 362 of the
captioned case.

To the best of our information and belief the debtors are not currently
serving on active duty in the Armed Forces of the United States (Army,
Navy, Air Force, Marine Corps and Coast Guard) nor in the National Guard,
Air National Guard, the commissioned corps of the National Oceanic and
Atmospheric Administration nor in the commissioned corps of the Public
Health Service.

The information included in DB's loan origination file, the
foreclosure and/or collection file and in DB's computer
system was reviewed and none disclosed that the debtors are currently
serving on active duty in the Armed Forces of the United States (Army, Navy,
Air Force, Marine Corps and Coast Guard) nor in the National Guard, Air
National Guard, the commissioned corps of the National Oceanic and
Atmospheric Administration nor in the commissioned corps of the Public
Health Service.

As per the certification issued by the Department of Defense Manpower Data
Center (which is attached hereto) the debtors are not in active duty in the
Armed Forces of the United States (Army, Navy, Air Force, Marine Corps and
Coast Guard) nor in the National Guard, Air National Guard, the
commissioned corps of the National Oceanic and Atmospheric Administration
nor in the commissioned corps of the Public Health Service.

Upon review of the pertinent records and documents I declare under penalty
of perjury as permitted under section 1746 of title 28, United States Code
that the foregoing is true and correct.

Executed in San Juan, Puerto Rico this 8 day March of 2011.

S/JESUS LEDESMA
JESUS LEDESMA
Supervisor

Department of Defense Manpower Data Center

Mar-14-2011 09:13:03



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ORTIZ-MARTINEZ	OSWAIDA		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:PKTA7S3KVU